

CITY COUNCIL REPORT



Meeting Date: February 22, 2022

General Plan Element: *Provide for the orderly government and administration of the affairs of the City.*

General Plan Goal: *Open and Responsive Government*

ACTION

Adopt Resolution No. 12413 appointing Marianne Bayardi to become the Presiding City Judge for the City of Scottsdale effective March 21, 2022 and authorizing and directing the Mayor to execute the employment agreement between the City of Scottsdale and Marianne Bayardi, Contract No. 2022-032-COS.

BACKGROUND

Section 9-2(a) of the Scottsdale Revised Code requires the City Council to appoint a Presiding City Judge. After a lengthy search and process including a public hearing and final recommendation from the Judicial Advisory Appointment Board, the City Council is considering the appointment of Judge Marianne Bayardi to the position of Presiding City Judge

The Presiding City Judge appointment is contingent upon the City Council approving and directing the execution of Marianne Bayardi's proposed employment agreement with the City, Contract No. 2022-032-COS, offering the following primary terms:

- Employment start-date of March 21, 2022
- Annual Salary of \$230,000.00
- An initial two-year term required by City Ordinance
- Three weeks of vacation allotted along with all standard employee benefits

Judge Bayardi brings a wealth of experience as both a sitting judge and as the Assistant Chief Presiding Judge for the Phoenix Municipal Court for the past three years. She comes to the City in high regard and with excellent credentials. She has the experience necessary to maintain the excellence of the Scottsdale Municipal Court and the potential to offer a new perspective from her work with the municipal court in Phoenix.


RESPONSIBLE DEPARTMENT(S)


Human Resources and City Attorney

STAFF CONTACTS (S)

Sherry R Scott, City Attorney, 480-312-2405

APPROVED BY


Sherry R Scott, City Attorney
480-312-2405, sscott@scottsdaleaz.gov


Date

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1. Contract No. 2022-032-COS
 2. Resolution No. 12413

City of Scottsdale

City Judge – Employment Agreement

This agreement ("Agreement") is made and entered into this 22nd day of February, 2022 by and between Marianne T. Bayardi ("Judge Bayardi") and the City of Scottsdale, an Arizona municipal corporation ("City"), referred to collectively herein as "Parties."

Recitals

A. Judge Bayardi was appointed the Presiding City Judge of the City of Scottsdale by the City Council on February 22, 2022 effective March 21, 2022.

B. Judge Bayardi will serve an initial two-year term beginning March 21, 2022 and ending March 20, 2024. She may be removed by the City Council for cause during that term.

NOW, THEREFORE, for and in consideration of the foregoing, the mutual covenants and promises contained below, and for other good and valuable consideration, the Parties agree as follows:

1.0 The foregoing recitals are incorporated into this Agreement and made a part of it by this reference.

2.0 During the term of this Agreement, Judge Bayardi will have the powers and will perform the duties of the Presiding City Judge as set forth in the City's Charter and the City's Code and ordinances and perform other legally permissible and proper duties and functions.

3.0 The term of this Agreement shall be for two years beginning March 21, 2022 and ending March 20, 2024, unless Judge Bayardi first resigns or is earlier removed from the position of the Presiding City Judge for cause by the City Council. Removal for cause includes, but is not limited to, the inability to carry out the essential functions of her position even through no fault of her own.

4.0 Judge Bayardi is an unclassified, exempt from overtime employee.

5.0 Judge Bayardi will be compensated for her services as the Presiding City Judge, during the term of this agreement, as follows:

a. Annual base salary of \$230,000 plus salary increases to take effect at the beginning of each fiscal year in the same percentage as that budgeted and approved by the City Council for general City employees, unless otherwise determined by the City Council. Judge Bayardi will not be eligible for a salary increase in 2022.

b. All standard employee benefits for which other employees are eligible.

c. Three weeks of vacation (120 hours) provided at the initial start of employment.

d. The City agrees to budget for and reimburse Judge Bayardi or pay for professional dues, subscriptions, continuing education, conference attendance and related business travel up to \$5,000 for her continued professional growth, which is also for the good of the City.

6.0 The effective date of this contract shall be March 21, 2022.

7.0 This Agreement sets forth and establishes the entire understanding between the City and Judge Bayardi relating to the employment of Judge Bayardi by the City. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement.

Dated this 22nd day of February, 2022.


CITY OF SCOTTSDALE, an
Arizona municipal corporation

ATTEST:

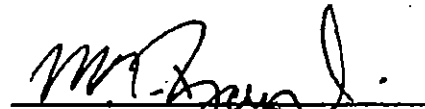
Ben Lane
City Clerk

David D. Ortega
Mayor

APPROVED AS TO FORM:



Sherry R. Scott
City Attorney



Marianne T. Bayardi

RESOLUTION NO. 12413

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, APPOINTING MARIANNE T. BAYARDI TO THE POSITION OF PRESIDING CITY JUDGE EFFECTIVE MARCH 21, 2022 AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF SCOTTSDALE AND MARIANNE T. BAYARDI, CONTRACT NO. 2022-032-COS.

WHEREAS, following a lengthy search for a new Presiding City Judge, the Council would like to appoint Marianne T. Bayardi and execute Contract No. 2022-032-COS to employ her as presiding City Judge of the City of Scottsdale.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scottsdale, Maricopa County as follows:

Section 1. Marianne Bayardi is hereby appointed to become Presiding City Judge of the City of Scottsdale effective March 21, 2022.

Section 2. The employment agreement between the City of Scottsdale and Marianne Bayardi, Contract No. 2022-032-COS, for the position of Presiding City Judge is hereby approved and the Mayor is authorized and directed to execute Contract No. 2022-032-COS on behalf of the City.

PASSED AND ADOPTED by the City Council of the City of Scottsdale, Maricopa County, Arizona this 22nd day of February 2022.

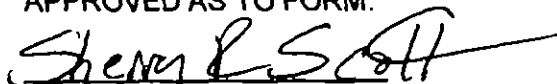
CITY OF SCOTTSDALE, an Arizona
municipal corporation

ATTEST:

Ben Lane, City Clerk

David D. Ortega, Mayor

APPROVED AS TO FORM:


Sherry R. Scott, City Attorney